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be restricted if no generic claim is finally held to be allowable. The Examiner contends that claims 22-24 are directed to a patently distinct species of the claimed invention. Applicants respectfully traverse this election requirement.

Applicants note that the criteria for a proper restriction requirement requires the Examiner to show that the inventions are independent or distinct as claimed and that the search and examination of the claims impose a serious burden on the Examiner. (M.P.E.P §803). Applicants respectfully submit that the present Office Action provides no such showing of these restriction requirements.

Applicants submit that claims 22-24 further define one embodiment of the Applicants' invention and do not require an additional search or examination that would impose a serious burden on the Examiner. In particular, Applicants submit that claims 22 and 23 define useful amounts of the pullulan, dextromethorphan and sulfonated polymer ion exchange resin present in one embodiment of the invention. Claim 22 defines these components in weight percent units and claim 23 defines these components in density units. Thus, claim 22 and claim 23 use different units to measure the amount of the same three components. Claim 22 is further defined by claim 24, which includes useful amounts of components present in one embodiment of the present invention.

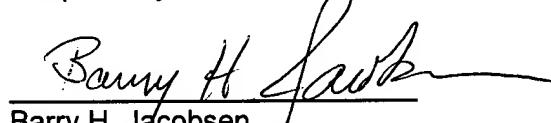
Applicants submit that a broad search of this invention would cover all of the subject matter in claims 22-24. Thus, a search of this invention should be the same regardless of whether claims 22-24 are searched. Therefore, a search that includes claims 22-24 would not impose a serious burden on the Examiner.

Accordingly, Applicants respectfully request that the Examiner withdraw the restriction requirement. However, in the event that the Examiner's restriction requirement is maintained, Applicants provisionally elect claim 22 for continued prosecution, holding claims 23 and 24 in abeyance under 37 C.F.R. §1.142(b) until final disposition of the elected claim.

In view of the present Amendment and Response, Applicants submit that the Application is in condition for allowance and favorable reconsideration is therefore respectfully requested.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

  
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